



17656(01172)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Q. Peter Zhang
Serial No: 09/901,315
Filed: July 9, 2001
For: LARGE BOTTLE WITH
INTEGRATED HANDLE

Exr. Mai, Tri M.
Art Unit: 3727
Confirmation No.: 7760

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

January 6, 2004

DECLARATION OF QIUCHEN PETER ZHANG UNDER 37 CFR §1.132

I, Qiuchen Peter Zhang, declare as follows:

1. I am the Qiuchen Peter Zhang who is one of the joint inventors of the invention that is described and claimed in the above-identified U.S. patent application ("the invention");
2. My qualifications in the field of the invention are accurately summarized on the attached copy of my Resume, which is identified as Exhibit A;
3. I have been informed that a claim in this application corresponding to the claim that is set forth on the attached Exhibit B has been rejected as being obvious to one of only ordinary skill in the art in the field of the invention over the combined teachings of "Holmes" (U.S. Design patent No. D 308,167), "Krishnakumar" (U.S. Patent No. 5,472,105) and "Slat et al."

(U.S. Patent No. 5,688,572), and that such claim has also been rejected as being obvious over the combined teachings of "Gatten" (U.S. Patent No. 4,671,412), Krishnakumar and Slat et al.;

4. In my opinion, which is based on my education and experience, as described on Exhibit A, the level of ordinary skill in the art of designing and developing thermoplastic containers of a material containing at least a layer of polyethylene terephthalate (PET) is the level of skill that would be expected from one with a baccalaureate degree in materials science or polymers science and at least 5 years of relevant industrial experience;

5. In my opinion, an invention as defined by the Exhibit B claim would not have been obvious to one of only ordinary skill in the art of designing and developing thermoplastic containers of a material containing at least a layer of PET for the following reasons:

a. As is clear from Fig. 3 of Holmes, the container taught by such reference could not have been manufactured to acceptable specifications from a PET-based material from a cylindrical preform such as that taught by Slat et al. because the width of the cylindrical body portion of such container is too wide in comparison to the width of the tapered neck portion of such container to permit a PET-based material to be molded with such a change in dimension, at least without undesirably changing the surface

appearance of the container in the regions undergoing such a change in dimension,

b. As is clear both from Figs. 1 and 5 of Gatten, the Gatten container, like the Holmes container, has a cylindrical body portion that is too wide in comparison of the neck portion of such container to permit a PET-based material to be molded to acceptable specifications with such a change in dimension from a cylindrical preform such as that taught by Slat et al., at least without undesirably changing the surface appearance of the container in the region undergoing such a change in dimensions, and

c. Krishnakumar, which does teach a large, hand-grippable container that is manufactured from various materials including a PET-containing thermoplastic material, only teaches such a container with a grip portion in a cylindrical body portion of the container, and fails to teach a hand-grippable, PET-containing thermoplastic container with a grip portion in a tapered neck portion of the container, which is a container type that is desired for many packaging applications; and

6. I am competent to testify as to the matters set forth above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

17656(01172)

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 01-08-04



Qiuchen Peter Zhang